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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,033	11/21/2003	Christopher L. Gerding	117018-00003	2836

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EXAMINER

HOTALING, JOHN M

ART UNIT PAPER NUMBER

3713

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,033

Applicant(s)

GERDING, CHRISTOPHER L.

Examiner

John M. Hotaling II

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11, 15-17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Build Your Own Arcade Controls, The Havok Systems Master, Pages 17-19, ("Havok"). With respect to the claims, Havok teaches a video game adapter system for selectively coupling at least two video game systems in an arcade cabinet (Pages 17-18). The video game adapter also comprises a removable arcade control panel with multiple digital and analog controllers components, universal remote control, additional front and rear A/V inputs, and automatic screen tilting (Page 18). While Havok is silent with regard to the specifics of a mounting plate for the controller, the removable feature of the controller would have made it obvious to one of ordinary skill to have a mounting plate. The controller and all other hardware associated with the apparatus would have needed a support structure to rest in the arcade cabinet, and further would require a support structure when placed on any other surface as suggested by Havok. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use have a mounting plate on the controller for support in the arcade cabinet or other user chosen surfaces.

Art Unit: 3713

In regard to claims 6 and 16, Havok teaches tilting a screen between a forward orientation and a horizontal orientation as described above, but does not describe a rearward tilting. However, user selectable monitor positioning including rearward tilting is well known in the art. It is considered well within the capabilities of one of ordinary skill to further incorporate additional rearward monitor tilting to provide increased adjustability for user comfort.

In regards to claims 7 and 8 page 18 of Havok discloses the use of control panels with digital and analog controls in addition to multiple control buttons. One of ordinary skill in the art at the time of the invention would understand that the digital and analog portion is relative to all of the input structure which is joysticks and buttons

In regard to claims 9 and 11, Havok teaches multiple game systems, other A/V attachments, and a universal remote control (Page 18), which would require a user selectable control system. Furthermore, selecting one of the available systems would effectively disable the currently operating game or other A/V system.

Claims 10 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havok as applied to claims 2-7, 9, 11, 15-17, 23-26, and 28 above, and further in view of US Patent No. 5,806,849 to Rutkowski. Havok teaches the claimed limitations as discussed above in addition to a wireless remote control, but does not teach the game controller as a wireless. Rutkowski teaches a game controller that transmits signal to a

Art Unit: 3713

game machine wirelessly to enable a user to obtain greater distances from a game machine and display (Abstract). One would be motivated to modify Havok to use a wireless game controller as Havok already discloses a wireless ready system control. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Havok to use the wireless game controller taught by Rutkowski to eliminate wired distance restrictions.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havok as applied to claims 2-7, 9, 11, 15-17, 23-26, and 28 above, and further in view of US Patent No. 5,078,399 to Lennon, Jr. ("Lennon"). Havok teaches the limitations as discussed above, but does not teach timer-disabling module. Lennon teaches conversion of a home video game system having at least one handheld controller to a coin-operated arcade game system (1:1-2:67) using arcade controls to replace the handheld controllers (3:10-3:31), the system has a monitor contained in a housing (Fig. 2), and has a timer module that disables game operation by terminating power after cycling through a determined time-use (2:57-62). One would be motivated to modify Havok to include the timer power module as taught by Lennon, so that in a commercial game environment, game play cannot be unreasonably extended.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havok as applied to claims 2-7, 9, 11, 15-17, 23-26, and 28 above, and further in view of US Patent No. 5,528,566 to McGee et al. ("McGee"). Havok teaches the limitations as

Art Unit: 3713

discussed above, but does not teach a multi disc changer coupled to the system for multi game storage and selection. McGee teaches a multi-disc changer capable of playing back optical discs in any disc format (Abstract) as well as numerous old and well known multi-disc changers (1:9-3:7). One would be motivated to use the multi-disc changer taught by McGee as McGee teaches that mass storage devices are needed in the computing industry to store ever-growing volumes of data with fast access time (1:16-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the game system taught by Havok to include the multi-disc changer taught by McGee to provide game players with a large amount of game selections thereby increasing system popularity due to satisfying a large population of user's entertainment tastes.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ferris '208 teaches a PC to arcade game conversion system.

Fogelman et al. '457 teaches a universal video game cabinet that is adaptable for any game.

Morrow, '036 teaches a game system with game system storage, multiple switchable game controllers connected to a table with mounting plates.

Nikora '777 teaches a user selectable game cartridge system.

Art Unit: 3713

Rutkowski '849, Sobota et al. '289, and Leifer et al. '327 all teach wireless game controllers.

Smith et al '186 discloses a entertainment system

Geiger et al '534 discloses a tv remote capable of controlling peripherals

Yurchenco et al '481 discloses a balanced monitor stand

SAS-2000SC teaches a home console to arcade conversion system.

Havok System Master sales brochure, teaches the features of the Havok System Master.

Redenbaughbilliards.com "TheHavok System Master" teaches the features available on the Havok System Master.

Nate's Customer Built ArcadeController teaches an arcade controller that is user movable.

ePanorama.net "Joystick Documents" teaches how to construct user customizable game controllers, which would allow one to construct arcade controllers to operate with existing game consoles.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Hotaling II whose telephone number is (571) 272 4437. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272 3507. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOHN M. HOTALING, II
PRIMARY EXAMINER

June 22, 2005